

EXHIBIT 33

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION
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12 ORACLE USA, INC., et al.,

13 Plaintiffs,

14 v.

15 SAP AG, et al.,

16 Defendants.
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Case No. 07-CV-1658 PJH (EDL)

AMENDED JUDGMENT

18 Pursuant to the Parties' Stipulation, Amended Trial Stipulation and Order No. 1
19 Regarding Liability, Dismissal of Claims, Preservation of Defenses, and Objections to Evidence
20 at Trial (Dkt. No. 965), Additional Trial Stipulation and Order Regarding Claims for Damages
21 and Attorneys Fees (Dkt. Nos. 961 and 969), Order Re Motions For Partial Summary Judgment
22 (Dkt. No. 762), Order Granting Motion to Dismiss in Part and Denying It in Part (Dkt. No. 224),
23 Order Granting Defendants' Motion for JMOL and Motion for New Trial; Order Denying
24 Plaintiffs' Motion for New Trial; Order Partially Vacating Judgment (Dkt. No. 1081), and the
25 Ninth Circuit's August 29, 2014 Opinion and September 22, 2014 Mandate (Dkt. Nos. 1243-44),
26 IT IS HEREBY ADJUDGED AND ORDERED that:

- 27 (1) JUDGMENT is entered against Defendant TomorrowNow, Inc. on Plaintiff
28 Oracle International Corporation's claim for direct copyright infringement

1 and against Defendants SAP AG and SAP America, Inc. on Plaintiff Oracle
2 International Corporation's claim for indirect copyright infringement. On
3 these claims, Plaintiff Oracle International Corporation shall recover from
4 Defendants SAP AG, SAP America, Inc. and TomorrowNow, Inc.
5 ("Defendants"), jointly and severally, (a) in the amount of \$356.7 million
6 U.S. dollars (\$356,700,000 (US)), and (b) post-judgment interest of
7 \$2,468,758 U.S. dollars, which are the entirety of the relief entered for these
8 claims (not including the stipulation negotiated between the Parties
9 regarding destruction of infringing materials).

10 (2) JUDGMENT is entered against Defendants on Plaintiffs Oracle USA, Inc.,
11 Oracle International Corporation, and Siebel Systems, Inc.'s ("Oracle," and
12 together with Defendants, "the Parties") claims for past and future
13 reasonable attorneys' fees and costs (including investigative costs)
14 associated with Oracle's investigation and prosecution of its claims in this
15 case, for which the Parties agreed that Oracle should recover, and has
16 already been paid by Defendants, the amount of \$120 million
17 (\$120,000,000).

18 (3) JUDGMENT is entered for Plaintiffs Oracle USA, Inc., Oracle International
19 Corporation, and/or Siebel Systems, Inc., and against Defendant
20 TomorrowNow, Inc. on all liability for all claims, including for violations of
21 18 U.S.C. §§ 1030(a)(2)(C), (a)(4), (a)(5)(i), (a)(5)(ii), and (a)(5)(iii) (the
22 Federal Computer Fraud and Abuse Act) and California Penal Code §§
23 502(c)(2), (c)(3), (c)(6) and (c)(7) (California's Computer Data Access and
24 Fraud Act), breach of contract, intentional interference with prospective
25 economic advantage, negligent interference with prospective economic
26 advantage, unfair competition, trespass to chattels, unjust
27 enrichment/restitution, and for an accounting, without separate monetary
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damages or monetary relief, including punitive damages, or additional injunctive relief by way of these claims. The recovery on these claims is included in paragraph (2) above and no other damages or injunctive or other relief is awarded by way of these claims.

- (4) JUDGMENT of dismissal with prejudice is entered as previously stipulated by the Parties, on all claims of Plaintiffs Oracle USA, Inc., Oracle International Corporation, and/or Siebel Systems, Inc. against SAP AG and SAP America, Inc., for alleged violations of 18 U.S.C. §§ 1030(a)(2)(C), (a)(4), (a)(5)(i), (a)(5)(ii), and (a)(5)(iii) (the Federal Computer Fraud and Abuse Act) and California Penal Code §§ 502(c)(2), (c)(3), (c)(6) and (c)(7) (California's Computer Data Access and Fraud Act), breach of contract, intentional interference with prospective economic advantage, negligent interference with prospective economic advantage, unfair competition, trespass to chattels, unjust enrichment/restitution, and for an accounting.
- (5) JUDGMENT of dismissal is entered, as previously ordered by the Court, on all claims brought by Oracle Systems Corporation, J.D. Edwards Europe and Oracle EMEA Limited.
- (6) Except as specified in paragraph (2) above, no costs are awarded.

Dated: November 14, 2014

By: _____

